

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EARL O'BLACK,)	
)	
Plaintiff,)	Case No. 1:08-cv-280-SJM-SPB
)	
v.)	
)	
ROBERT MAXA, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on October 14, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [70], filed on November 4, 2010, recommends that the Defendants' joint motion to dismiss for lack of prosecution [68] be granted and the instant civil right action be dismissed for Plaintiff's failure to prosecute. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at his last known address of record, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th Day of December , 2010;

IT IS ORDERED that the Defendants' joint motion to dismiss for lack of prosecution [68] be, and hereby is, GRANTED and the instant action be, and hereby is, DISMISSED for Plaintiff's failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter [70], dated November 4, 2010, is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter